

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MANNA MASSAQUOI,</b>	<b>:</b>	
<b>Plaintiff</b>	<b>:</b>	<b>CIVIL ACTION NO. 3:15-2448</b>
<b>v.</b>	<b>:</b>	<b>(JUDGE MANNION)</b>
<b>CHAPLAIN S. MORRIS, <i>et al.</i>,</b>	<b>:</b>	
<b>Defendants</b>	<b>:</b>	

**MEMORANDUM**

Pending before the court is the January 18, 2019 report of Judge William I. Arbuckle, which recommends that the unopposed DOC Defendants' motion for summary judgment, (Doc. 80), be granted in its entirety. (Doc. 110). Plaintiff, Manna Massaquoi, is a prisoner confined at SCI-Smithfield, and in this civil rights action filed pursuant to [42 U.S.C. §1983](#), he claims that the eight defendants, all officials of the prison, violated his constitutional rights by denying his request for a religious exemption from the DOC's haircut policy and, by issuing misconducts and disciplinary sanctions against him when he refused to cut his hair. Plaintiff also claims that the defendants retaliated against him for filing a grievance regarding the denial of his request for an exemption.<sup>1</sup>

---

<sup>1</sup>The court notes that:

The DOC has an inmate Hygiene and Grooming Policy, DC–ADM 807. The Policy provides, in pertinent part “Hair that does not fall below the top of the collar (afro styles no longer than four inches) shall be permitted[.]” Section E of DC–ADM 807 sets forth the procedures that an inmate must follow in order to obtain an exemption to the grooming

Neither the plaintiff nor DOC Defendants have filed any objections to Judge Arbuckle's report. The time within which to file objections has expired.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." [Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see *also* [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31. Upon review, the report and recommendation of Judge Arbuckle will be adopted in its entirety.

Initially, Judge Arbuckle recommends that DOC Defendants' motion be granted under the six factors identified in [Poulis v. State Farm Fire and Casualty Co.](#), 747 F.2d 863, 868 (3d Cir. 1984). Even though Judge Arbuckle thoroughly analyzes the relevant factors and the court concurs with his analysis, the court will also grant DOC Defendants' motion based on its merits which are also examined in detail in the Judge's report.

The court has reviewed the reasons presented by Judge Arbuckle for recommending that the DOC Defendants' motion for summary judgment be granted regarding all of the plaintiffs' claims against all of the defendants.

---

policy for legitimate religious purposes.

Thompson v. PA. DOC, 2007 WL 404056, \*1-\*2 (M.D.Pa. Feb. 1, 2007).

Because the court agrees with the sound reasoning that led Judge Arbuckle to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: February 11, 2019**

O:\Mannion\shared\MEMORANDA - DJ\CIVIL MEMORANDA\2015 MEMORANDA\15-2448-01.wpd